

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1909.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF FERRO CHINA BISLERI AND OF FERNET BRANCA.

On April 20, 1912, the United States Attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 cases, each containing 12 bottles of Ferro China Bisleri, and 11 cases, each containing 12 bottles of Fernet Branca, remaining unsold in the original unbroken packages and in possession of John N. Insley, Carnegie, Pa., alleging that the product had been shipped on or about February 29, 1912, by N. Annunziato, Yonkers, N. Y., and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The Ferro China Bisleri was branded: (On cases) "Frageli. Bevete Ferro China Bisleri. F B 12 bottles Bisleri's Bitters Galls 2.71. Made in Italy. John N. Insley Carnegie, Pa. from N. Annunziato 205 So Wavery St. Yonkers, N. Y." (On bottles) "Ferro-China Bisleri Bisleri's Bitters Containing Alcohol 33 per cent. Manufactured by Felice Bisleri Milan (Italy) Drink plain or with water seltzer or vermouth. G. Ceribelli & C. New York, Sole Agents for the United States and Canada Registered Trade Mark." The Fernet Branca was branded: (On cases) "L. Gandolfi & Co. New York Sole Agents in The United States Mexico Canada Cuba and Porto Rico Pessagno Montessor Litre 11.16 Fratelli Branca e Co. Fernet Branca Fratelli Branca de Milano Fornitori di's M'il Re D'Italia." (On bottles) "Fernet-Branca Flli Branca Milan (Italy) L. Gandolfi and C. New York. Sole Importers for the United States, Mexico, Canada, Cuba & Porto-Rico. Guaranteed by L. Gandolfi & Co., New York, Agents Under the Food and Drug Act June 30, 1906. Serial No. 2831."

Adulteration of the products was alleged in the libel for the reason that a poisonous and deleterious substance, to wit, methyl or wood alcohol, had been mixed with and added to the products so as to injuriously affect the quality thereof and render the same injurious to health. Misbranding was alleged for the reason that the products were labeled as set forth above, thus purporting to be well known proprietary imported compounds, when in fact they consisted in part of methyl or wood alcohol, a poisonous and deleterious substance.

On July 27, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal and that the costs of the proceedings should be paid by the said John N. Insley.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 9, 1912.*

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